

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SUSAN A. BAYER : CIVIL ACTION
:
v. :
:
FLUOR CORP., et al. : NO. 09-3107

ORDER

AND NOW, this 12th day of July, 2010, upon consideration of the motion for summary judgment of Connecticut General Life Insurance Co. ("CGLIC") (docket entry # 60), the plaintiff's pro se response thereto¹ (docket entry #s 65 and 66), CGLIC's reply (docket entry # 70), and the plaintiff's sur-reply (docket entry # 72), and in accordance with the accompanying memorandum, it is hereby ORDERED that:

1. CGLIC's motion for summary judgment (docket entry # 60) is GRANTED;

2. The Clerk of Court shall CLOSE this case statistically;

¹It appears that the plaintiff submitted paper and electronic versions of her response and brief, which are docketed at docket entry number 65. The two versions appear to be largely identical, except that the hard copy was missing the second page of the electronic version, which included two lines of text. The page numbers of the paper copy are also different from those on the electronic version. The electronic version was docketed via ECF. Because the electronic version on ECF includes the second page and has consistent page numbers, we will refer to the electronic version in this Order.

3. Any motion for attorney's fees and costs from CGLIC is DUE by July 26, 2010; and

4. If CGLIC files a motion for attorney's fees and costs by July 26, 2010, pursuant to Fed. R. Civ. P. 58(e) that motion will have the same EFFECT under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Fed. R. Civ. P. 59.

BY THE COURT:

___\s\Stewart Dalzell